

Meeting: Cabinet

Date: 18 November 2025

Wards affected: All

Report Title: Consultation Draft Torbay Local Plan 2025-45 (Regulation 18).

When does the decision need to be implemented? Approval is sought to publish the draft Local Plan for public consultation between 28 November 2025 and 26 January 2026.

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1. Purpose of Report

- 1.1. This report seeks approval to publish the draft Torbay Local Plan for public consultation. If agreed, we will carry out a Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) Consultation between 28 November 2025 to 26 January 2026. Because this runs over the Christmas break, it is proposed to carry out an 8-week consultation, rather than the legally required 6-week period.
- 1.2. Following consultation on the Regulation 18 Draft Plan, it is intended to prepare a Regulation 19 Publication Plan (or “Preferred option”) for consultation in Summer 2026. This must be submitted to the Secretary of State (i.e. the Planning Inspectorate) by the end of December 2026. December 2026 is the deadline set by the Secretary of State for submission of Local Plans under the current system. An updated Local Development Scheme is set out in Section 2 which clarifies the remaining programme for the Local Plan.
- 1.3 The Local Plan Working Party has met monthly since September 2024 has agreed a range of matters for inclusion in the Plan. The Working Party has assessed all known potential development sites, and the draft Plan reflects its recommendations. There were two previous stages of Regulation 18 Consultation in 2022, focussing on growth options and initial housing sites, and this consultation is on a full draft Plan. The Working Party has also considered the changes to the planning system introduced through the December 2024 National Planning Policy Framework (NPPF), specifically the introduction of “binding housing need targets” (see below).
- 1.4 This stage of consultation is at Regulation 18, and seeks comments about “what the local plan ought to contain”. Following closure of this consultation officers and the Working Party members will assess comments made and prepare a Regulation 19 Publication Plan

(sometimes called a “preferred option” or pre-submission plan). The Regulation 19 version will be the Plan that the Council intends to submit for examination.

2. Reason for Proposal and its benefits

- 2.1 Local Planning Authorities (LPAs) have a legal requirement (under Section 19 of the Planning and Compulsory Purchase Act 2004) to prepare a local plan setting out strategic priorities and policies to address these. Together with neighbourhood plans, the local plan forms the “Development Plan”, which is the legal starting point for determining all planning applications. Having an up-to-date local plan will allow the council to align land use planning decisions more closely to Community and Corporate Plan objectives. The Council is preparing a Plan under the P&CP Act 2004 and 2012 Local Planning Regulations. Plans prepared under this system must be submitted to the Secretary of State for Examination by December 2026.
- 2.2 There is a legal requirement for Plans to contribute to the achievement of sustainable development (S39 of the P&CP Act 2004). This gives the National Planning Policy Framework legal weight in plan preparation. The secretary of state has powers to direct councils to consult on Plans or to take over plan preparation themselves. However, in practice not approving regeneration or affordable housing funding is a more potent sanction against councils that do not prepare local plans.
- 2.3 Where a council does not have an up-to-date development plan, it must apply the Presumption in Favour of Sustainable Development.
- 2.4 The Government has clearly stated that it wishes to boost housing supply, and has set many areas, including Torbay, with very high housing need figures. Officers have not sought to underplay the difficulties of preparing a local plan, or the difficult decisions that need to be made. However, without a plan in place the council is much more vulnerable to speculative greenfield development, particularly if the housing market improves, both before and after any local government reorganisation. This risks more suburban sprawl and less urban regeneration.
- 2.5 Local government reorganisation is also a potential disincentive to local plan preparation. The Planning and Infrastructure Bill currently going through Parliament includes proposals to introduce strategic plans (spatial development strategies) which are likely to be the function of strategic authorities. However, the Government has repeatedly emphasised that local planning authorities should prepare local plans and there are some signs of pragmatism from the Planning Inspectorate in assisting with Plan adoption.
- 2.6 The Local Plan Working Party has met on a monthly basis since September 2024 and has considered a range of matters and site options. Headline themes are summarised in the following section. Housing and development sites often dominate plan making. But it is important to note that the local plan covers a full range of other policies and seeks to meet other development needs and to provide green infrastructure and environmental protection.
- 2.7 The proposed Regulation 18 Draft Local Plan consultation is a genuine chance for people to have their say. It will be the third regulation 18 consultation to have taken place (the previous two being the Growth Options Consultation January 2022 and Housing Site

Options 2022). It is therefore hoped that the Council can move quickly in 2026 to a Regulation 19 publication plan. The Planning Inspectorate's [Procedure Guide for Local Plan Examinations - GOV.UK](#) states that: *1.1. The plan that is published for consultation at Regulation 19 stage should be the plan that the LPA intends to submit to the Planning Inspectorate for examination.* The Regulation 19 stage is accordingly more limited and formal in scope than the current consultation stage.

- 2.8 The timetable below recommends a pathway to preparing a Local Plan for Submission to the Secretary of State for Examination by the end of December 2026. This is a very tight deadline, but MHCLG has indicated that this deadline for submission of Plans under the 2012 Regulations will not be extended¹. This timetable seeks Council approval for the Plan we intend to submit to the Secretary of State (subject to the formal Reg 19 consultation) in July 2026.

Date	Stage
18 November 2025	Agreement of full Draft Plan by Cabinet (At Regulation 18 stage)
28 November 2025 – 26 January 2026	Public Consultation on Draft Plan (at Regulation 18). Duty to Cooperate Meetings with other authorities and engagement with statutory consultees. Engagement with departments across the Council and partners.
February-June 2026	Preparation of Publication Version ("preferred option") Regulation 19 Plan and background documents. Assessment of representations by the LP Working Party Ongoing Duty to Cooperate meetings. Meeting with Planning Inspectorate
14 July 2026	Regulation 19 Publication Plan agreed by Cabinet.
23 July 2026	Regulation 19 Publication Plan agreed by Council. It is proposed to seek agreement to submit this plan following consultation and assuming no major modification is needed to the Plan following consultation.
August-September 2026	Regulation 20: Consultation on Regulation 19 Publication Plan (for Soundness and Legal Compliance).
September-November	Preparation of Submission Plan ("The Reg 22 Plan"), Duty to Cooperate Statements etc.
December 2026	Submit Local Plan (Reg 22) to Secretary of State for Examination
11 December 2026	Contingency for Full Council Meeting if needed (Note that this is the only scheduled Council meeting that the Local Plan can go to if there is a need to make major modifications following Reg 19 Consultation, in order to meet the Secretary of State's December 2026 deadline).
2027	Examination, Modifications if needed, and Adoption.

¹ The Regulations governing 30-month Local Plans under the Levelling Up and Regeneration Act 2023 are not yet in force. Not meeting the Government's deadline to submit under the 2005 Act will require the Local Plan to go back to square 1.

3. Recommendation(s) / Proposed Decision

1. That Cabinet approves the Draft Local Plan as outlined in Section 6 and Appendix 1 for Regulation 18 public consultation between 28 November 2025 and 11.59pm on 26 January 2026.
2. The Local Development Scheme (LDS) is amended to show the timetable in paragraph 2.6 of the submitted report.
3. The Divisional Director, Place Strategy (or equivalent post) be authorised to make minor amendments and edits to the Draft Local Plan in consultation with the Cabinet Member for Place Development and Economic Growth.

4. Appendices

- 4.1 Planning Inspectorate Local Plan Examination Checklist.
- 4.2 Draft Local Plan Written Statement (Draft text for Regulation 18 Consultation).

5. Background Documents

- [Chief Planner's newsletter December 2024](#)
- [Planning and Compulsory Purchase Act 2004](#)
- [National Planning Policy Framework - GOV.UK](#)
- [Local plans: pre-examination checklists - GOV.UK](#)
[Pre Examination checklist for full local plans.docx](#)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

Supporting Information

6. Introduction

- 6.1. The Draft Local Plan has been discussed by the Local Plan Working Party at monthly meetings between September 2024-September 2025. The Draft Local Plan builds on the previous Growth Options (January 2022) and Housing Site Options (October 2022) consultations and is intended as a first full draft for consultation, rather than a finished project. Consultation responses will be used to prepare the Regulation 19 Publication Plan, which sets out the version of the Local Plan that the Council expects to submit for Examination.
- 6.2. The Local Plan encompasses the whole range of issues that may be needed to determine a planning application. It has been drafted to align as closely as possible to the Community and Corporate Plan 2022-42 and to present a strongly supportive framework for town centre and waterfront regeneration and renewal. We are currently reviewing the draft plan to ensure close alignment with the language used in the Corporate and Community Plan and Torbay Story. With this in mind, the Local Plan's primary purpose is to set a framework for determining planning applications. Accordingly, we have tried to remove some of the background information to make the plan more succinct. The current draft contains a large amount of background information and evidence. This will be moved into Topic Papers to create a more concise main document.
- 6.3. The Local Plan is intended to be strategic in nature. It cannot anticipate every last need or proposal, and therefore some matters are set out as broad areas of search, or criteria based policies within the broad urban regeneration strategy noted above. The Government is in the process of preparing National Development Management Policies (NDMPs) which will carry more weight than local plans or neighbourhood plans. We will need to keep the detailed development management policies under review and some of them may fall away when we prepare the Reg 19 Publication Plan in order to avoid duplication with NDMPs.
- 6.4. It is proposed that the Local Plan should cover the period 2025-45. In practice there is a great deal of emphasis on identifying specific deliverable sites for the first five years following adoption, with the ability to identify broad locations in later years. The Plan is about much more than housing, but a lot gravitates around the headline rate of housing growth (e.g. infrastructure needs, service needs, labour supply, school place and health care needs, environmental protections and mitigation etc).
- 6.5. Draft Local Plan chapters are summarised below and a link provided to the Local Plan Working Party text. It is proposed to edit the explanations to reduce the length of the document prior to consultation. The Plan has been drafted to accord with the Community and Corporate Plan and to reflect feedback from the Working Party. Although it is proposed to produce a new Local Plan covering the period 2025-45, many of the existing Local Plan's policies are still relevant, and as noted in earlier reports to cabinet remain broadly up to date. Whilst the whole plan has been updated, some of the later chapters for example on the natural and historic environment, design, waste and minerals are an evolution rather than a transformation of the previous Local Plan. The vision, strategy and housing policies have necessitated the greatest change due to the impact of the Government's housing targets. However, the overall spatial strategy remains similar to that adopted in the Torbay

Local Plan 2012-30, which also strongly promotes brownfield regeneration. The most significant change from the last Plan is that the Council's Town Centre Regeneration Visions and Accommodation Repurposing programmes, supported by a Regeneration Partnership, create a significant opportunity to deliver on the regeneration aspirations.

6.6. The Local Plan chapters and key issues are as follows:

1) Introduction and Vision. This sets a vision and key objectives for the Plan. It aligns the Plan closely with the Community and Corporate Plan and Town Centre Regeneration Visions, Torbay Story and Accommodation Repurposing/ Hotels to Homes programme. The Plan sets out a strong Presumption in Favour of Urban Regeneration and support for affordable housing. It sets out a target of 400 dwellings per year over the Plan period 2025-45. This is a minimum number and not a ceiling, should sustainable urban sites be available to exceed this figure. It is also proposed to deliver a minimum of 80,000 sq. m. (up to 28ha of employment land). It will be important to provide sufficient affordable housing and family homes in order to reduce the risk of labour shortages due to an aging population and falling numbers of younger people, whilst protecting the intrinsic qualities of the natural environment including the context of climate change, resilience and Torbay's status as a premier resort.

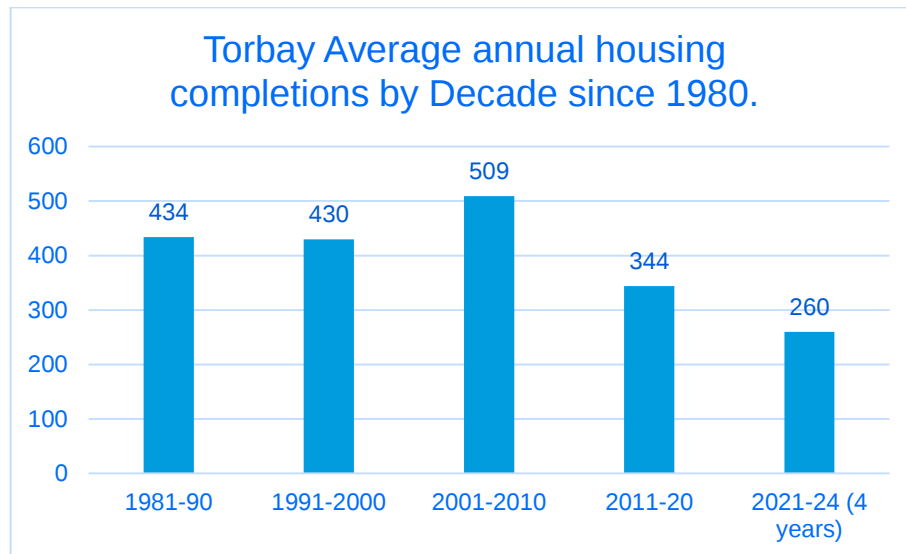
2) Spatial Strategy and Neighbourhood Area Policies. This chapter sets out a spatial strategy for Torbay focusing on a brownfield regeneration first approach, summarised in Figure 1 below. It provides area-specific proposals for the three main towns of Torquay, Paignton and Brixham as well as the Broadsands Churston Galmpton Villages (BCG Villages), and sets development targets for those areas, pursuant on achieving the Local Plan's overall level of growth. These targets have been derived from existing population levels, as well as an assessment of the environmental and infrastructure constraints and the previous Local Plan's strategy.

Figure 1 Recommended Local Plan Housing and Employment Targets by Neighbourhood Plan area.				
	Proportion of Torbay at 2021 Census. (For information)	Annual Housing target	Over 20 years. 2025-45	Class E(g), B2,B8 Employment Uses. 2025-45
Torquay	50%	180	3,600	37,000 sq. m
Paignton	35%	170	3,400	37,000 sq. m
Brixham (Town Council area).	12%	20	400	5,000sq m
Broadsands, Churston and Galmpton Villages	3%	30	600	1,000 sq. m
Torbay	100%	400	8,000	80,000

It is recognised that proposed development sites, and the overall growth level, are frequently the most controversial part of a Local Plan Consultation. The Local Plan contains a draft site allocations map to support the proposed development allocations that are needed to achieve a growth trajectory of 400 dwellings a year/ 8,000 dwellings over a 20-year plan period. Achieving this level of growth will be significant challenge.

This figure is well below the Government's Standard Method Local Housing Need figure of 950 dwellings per annum (dpa). However, it is higher than the 300 dwellings a year proposed by the 2022 Housing Site Options consultation. It is also above the average of the past 5 years (260 dpa). The figure demonstrates our ambition to deliver more, whilst recognising the constraints and challenges locally.

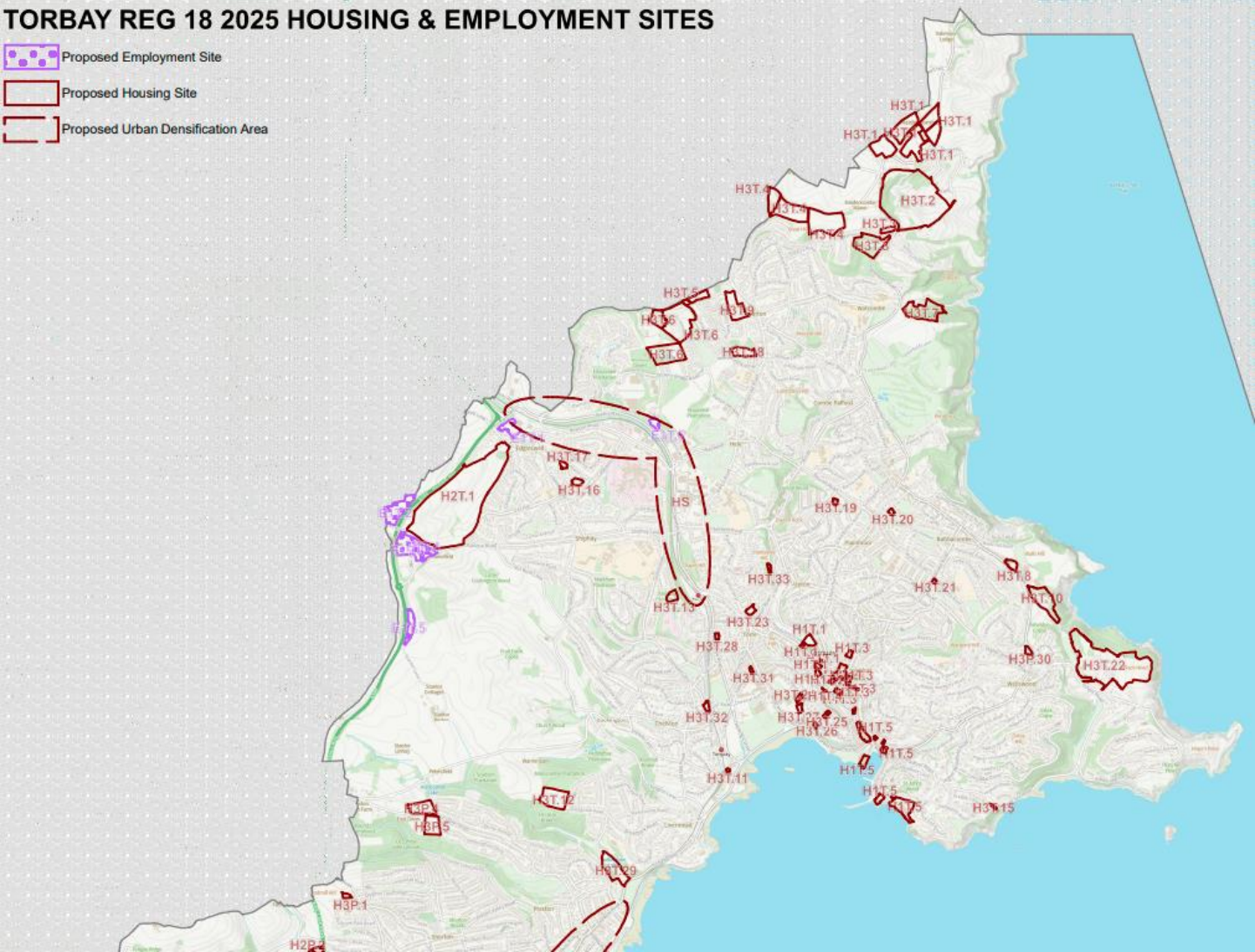
The council's housing monitoring data is available back to 1980 and is summarised below. The long-term average number of homes recorded is about 420 dwellings per year. There was an increase in the 2000s but this has not been sustained since the financial crash of 2008. Broadly 400 dwellings a year represents a return the level of housing growth achieved in the 1980s and 1990s, but with a much stronger emphasis on urban renewal.

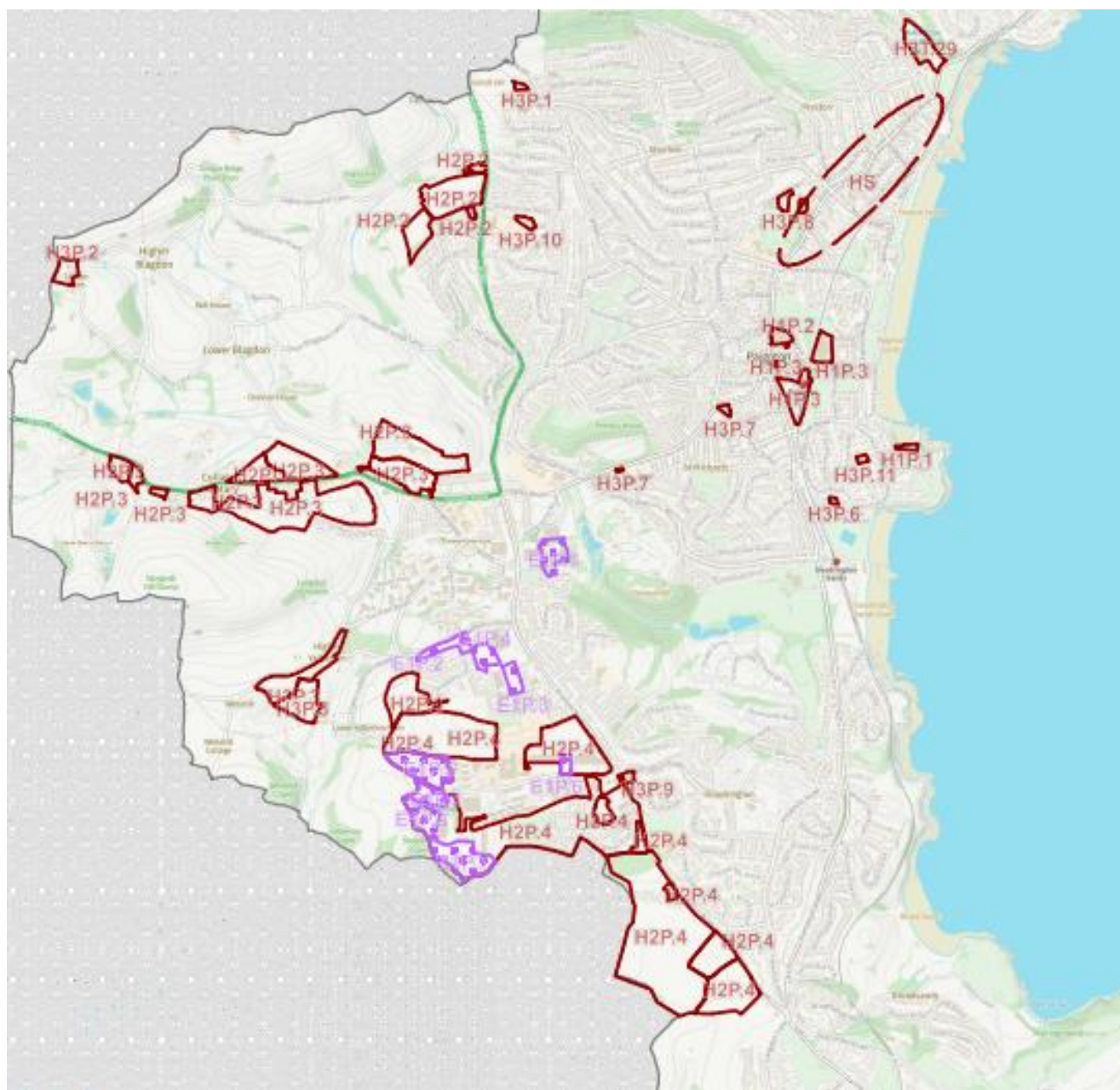


In terms of the distribution of development, the Local Plan focusses on Torquay and Paignton with a heavy push to increase development in town centres and the built-up areas. Other growth areas and broad locations are proposed particularly on the West of Paignton (see also chapter 3 Housing). A more constrained approach is taken to land to the Southeast (i.e. Brixham side) of Windy Corner, in recognition of the Brixham Peninsula's greater environmental and accessibility constraints. Nevertheless, some sites are proposed in the south of the BCG Villages and the Brixham area aimed primarily at meeting local needs. The sites and broad locations proposed in the map extracts shown below.

TORBAY REG 18 2025 HOUSING & EMPLOYMENT SITES

- Proposed Employment Site
- Proposed Housing Site
- Proposed Urban Densification Area





Chapter 3 Housing Policies. Chapter 3 contains detailed housing allocation policies, summarised below. This seeks to achieve at least 400 dwellings a year. Central to this is the presumption in favour of brownfield regeneration and the council's accommodation repurposing ("hotels to homes" programmes"). It will also be important to safeguard employment land or achieve an improvement in employment prospects.

Policy Figure 4 Potential Local Plan Sources of Housing.			
		Total (20-year plan)	Per annum (20-year plan)
H1	Torquay Town Centre Regeneration	600	
H1	Paignton Town Centre Regeneration	260	
H1	Brixham Town Centre Regeneration	50	
HS	Other brownfield regeneration including accommodation repurposing.	1,000	
HS	Torre Gateway Corridor (The Willows District Centre to Torre Station).	300	
HS	Preston Brownfield Cluster (within environs of the District Centre)	200	
H2	Future Growth Areas	1,800	
H3	Other allocated sites of 10+ dwellings	2,360	
NA	Windfalls (all non-major sites) at 120 dwellings a year	2,400	
	Total	8,970	448
	10% non-completion	8,073	403

The housing chapter also sets out policies on affordable housing thresholds, tenure mixes and guidance on onsite/offsite provision. It proposes to introduce a rural exceptions policy for considering affordable housing schemes that may come forward outside of the built-up area. The chapter also contains policies on specialist housing including for older people and Gypsies and Travellers.

Chapter 4 Economy, Tourism and Town Centres. This chapter deals with employment and seeks to allocate land to achieve a minimum of 80,000 sq. m. of (Class B2, B8 and E(G) employment land over the Plan period. The chapter also deals with Tourism policies. An updated Destination Management Plan will provide further advice on this. As part of the Local Plan review, Members have assessed Core Tourism Investment Areas (CTIAs). Key Waterfront and Harboursides, Babbacombe Downs and some of Belgrave Road areas remain designated as CTIAs. Outside of these prime areas, the Local Plan take a more flexible approach to allowing change of use away from tourism accommodation. The chapter also seeks to protect and support key tourism facilities and attractions. Finally, this chapter contains policies on retail and town centres. In accordance with the recommendation of the Town Centre Regeneration Visions, the Local Plan seeks to focus commercial activity in "Primary Shopping Areas" in parts of the town centres closer to Harbourside and Waterfront areas.

A key issue across this chapter is that national policy has greatly increased the scope of permitted development rights (subject to a slimmed down prior approval process), including the creation of an overarching Class E commercial use, and rights to change commercial premises into dwellings. The Local Plan seek to support commercial development, whilst recognising the limitations of planning control over commercial uses, and the realities of market pressures.

Chapter 5 Healthy and Sustainable Communities. This contains policies on public health, sport and recreation provision, education and community facilities. Where proposed development generates the need for additional open space or sports provision, or affects existing facilities, improved or replacement facilities should be provided. An area of search for new cemetery provision is also identified, likely in the south of Torbay.

Chapter 6 Transport Vision, Hierarchy and Strategic Improvements This chapter contains a transport vision in line with the recently adopted Local Transport Plan, seeking to provide greater travel choices by increasing the network of active travel and public transport whilst unlocking development and supporting growth. It provides more detailed advice to support planning proposals.

Chapter 7 Infrastructure. This chapter sets out an infrastructure strategy and approach to prioritising S106 and CIL contributions (following the broad approach in the Planning Contributions and Affordable Housing SDP of prioritising contributions based on site deliverability, affordable housing and employment and broader sustainable development. The Local Plan will need to be subject to a Whole Plan Viability Assessment (which Three Dragons has been commissioned to carry out), and there is likely to be a need to scale back the unlimited “asks” on the development industry to render development viable. The Local Plan requires an Infrastructure Delivery Plan, which is closely related to the Planning Contributions and Affordable Housing Supplementary Planning Document. The Local Plan will support and update to the SPD and Community Infrastructure Levy Charging Schedule.

Infrastructure needs will have to be kept under review as the Plan progresses. At April 2025 housing delivery against the previous Local Plan target was 1,980 fewer dwellings than previously planned for since 2012. This leaves a level of infrastructure headroom, but also create problems, for example for school place and labour supply numbers. The key infrastructure challenges identified so far are in relation to Climate Change resilience measures especially in relation to water management and flood risk in chapter 8 below, the natural environment (chapter 9), and waste in Chapter 12.

Chapter 8 Climate Change, Flooding and Water Management.

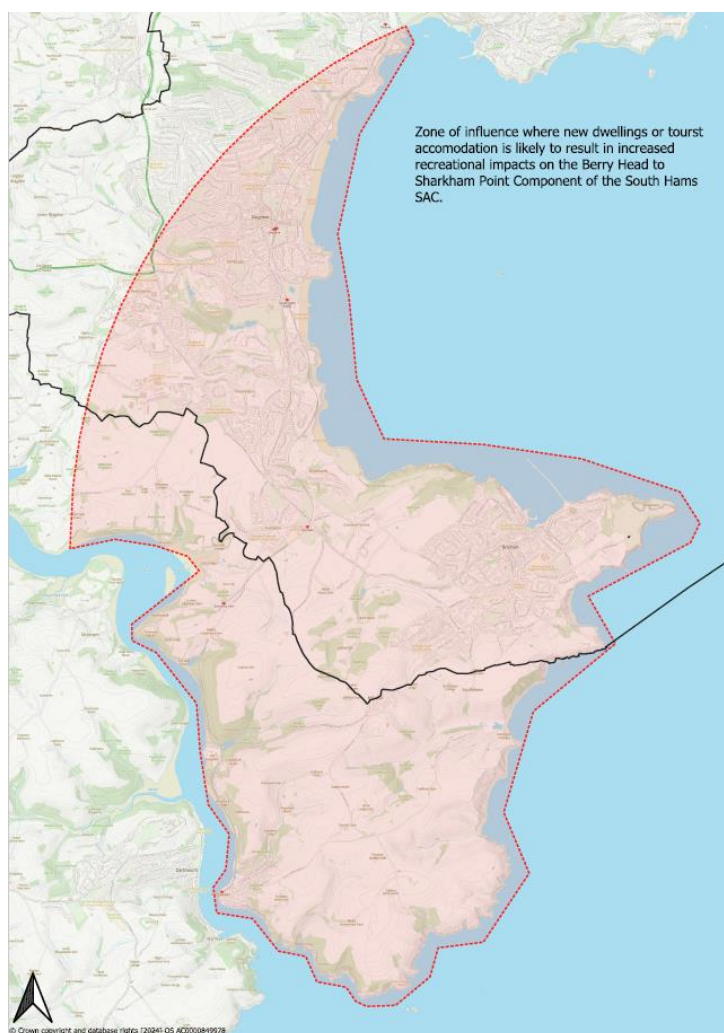
This section sets out a Net Zero and climate change adaptation/ resilience strategy. It proposes that all new homes built from adoption of the Plan should produce at least 75% fewer carbon emissions than required by 2013 Building Regulations standard. This will be achieved by higher fabric and energy efficiency standards, as well as heating sources that do not utilise fossil fuels and the installation of solar PV panels. The Chapter also contains policies on embedded carbon (in existing buildings), and guidance on heritage and climate change.

Parts of Torbay are vulnerable to flooding and climate change. The whole of Torbay is a Critical Drainage Area, with the exception of part of Maidencombe, which has no mains drainage. There is a legacy of shared sewers, which is a flooding, water management and Habitats Regulations

issue in relation to combined sewer overflows into the Marine Special Area of Conservation (SAC), especially at Hopes Nose. The Local Plan will be supported by a Strategic Flood Risk Assessment and Water Cycle Study. A schedule of costed flood mitigation measures will be included as part of the Local Plan's Infrastructure Delivery Plan. This includes Paignton and Preston Promenade coastal flood protection scheme as critical infrastructure to protect Paignton and Preston seafronts.

As well as physical infrastructure, there is a need to reduce water run-off through Sustainable Drainage measures. This is both a flooding issue and where combined sewer outfalls occur, has the potential to harm the Marine SAC.

Chapter 9 Landscape and the Natural Environment This chapter contains policies on the countryside, landscape, ecology, biodiversity and geodiversity. In terms of Torbay's natural environmental constraints, the south of Torbay is designated National Landscape (formerly AONB). The countryside around much of Torbay is within the Greater Horseshoe Bat sustenance zone, and also the Berry Head calcareous grassland 8 km zone of influence (see below).



Both of these issues relate to the South Hams Special Area of Conservation (SAC). The Local Plan identifies a need for Suitable Alternative Natural Greenspace (SANG), active management and dog-friendly facilities in order to reduce pressure on the Berry Head grassland, which is part of the SAC designation. Delivery of homes or holiday accommodation in the south of Torbay requires a positive strategy to manage likely significant impacts on the South Hams SAC. This is a critical soundness measure for the Local Plan (and for allowing new homes or holiday accommodation in the south of Torbay).

Chapter 10 Historic Environment This chapter sets out policies on designated heritage assets (listed buildings etc) and for conservation areas. It seeks to preserve and enhance Torbay's historic environment as an asset for regeneration.

Chapter 11 Design and Development This Chapter sets out policies on good design, including reference to taller buildings, where appropriate.

Chapter 12 Waste and Minerals [Chapter 12 Waste and Minerals.pdf](#) The Waste and Minerals policies in the previous Local Plan remain largely up to date. They set out a waste hierarchy of reuse and recycling to reduce the amount of waste going to landfill and help to achieve municipal recycling targets.

The Local Plan continues to identify Yalberton and Yalberton Tor Quarry for Waste Management purposes. It allows consideration of proposals to support the existing material recycling facility (MRF) including provision for waste and recycling collection vehicles. The Plan also seeks to ensure that Yalberton Road is not sterilised from waste related activities by allowing residential development to encroach too close to it e.g. at Berry Acres.

An implementation and monitoring section will need to be added for the Publication Plan following consultation.

7. Options under consideration

- 7.1. This report recommends launching a consultation on the draft Local Plan.
- 7.2. The Council previously consulted on Local Plan Growth Options (January-February 2022) and Housing Site Options in January (October-December 2022). Prospective sites and policies have been considered by the Local Plan Working Party whose conclusions have been used to prepare a Draft Local Plan.
- 7.3. Although we are proposing to consult on a full Draft Local Plan, the Regulation 18 stage is often called an “issues and options stage”. The next stage, i.e. Regulation 19 Publication Stage proposed for Summer 2026 is a more formal consultation focussed on soundness and legal compliance issues.
- 7.4. Cabinet approved the Local Development Scheme in February 2025 which sets out a roadmap to preparing a Local Plan, and different consultation options. [Decision - Local Development Scheme \(Local Plan Timetable\)](#) .
- 7.5. Delaying the consultation until 2026 would allow a more finished product to be consulted on. However, this will shorten the timescales and risk missing the Government's December 2026 deadline for submission. This would mean starting the Local Plan again under the Levelling Up and Regeneration Act (2023) new style plan system. Secondary legislation for this has not yet come into force for this.
- 7.6. Whilst the Council could decide to delay plan making until the new system comes into force. As noted, this would impose significant additional delay and increase the risk of speculative planning applications and costs at appeal. Moreover, the Secretary of State is likely to intervene and direct Torbay Council to consult on its draft Plan (or even take over Plan making); both of which would cause reputational damage to the Council.

8. Financial Opportunities and Implications

- 8.1. The Local Plan is the legal starting point for determining planning decisions. It also contains policies for Section 106 Obligations and provides the basis which Community Infrastructure Levy may be sought.
- 8.2. Without an up-to-date Local Plan, there is increased risk of a Planning Inspector considering that a planning refusal (particularly for housing) is unreasonable and awarding costs against the Council at appeal.
- 8.3. Unless it makes progress on submitting a Local Plan, the council may be treated less favourably in infrastructure bidding.
- 8.4. There is a significant revenue cost to preparing a Local Plan. Research by the RTPi in 2021 suggested that the cost for a medium size authority such as Torbay was in the region of £1-1.5 million [Planning for a better future | Championing the power of planning](#). Existing budgets are under pressure and are unlikely to be sufficient to meet the full costs through to adoption. In 2024/25, Torbay received a grant from government to directly support the adoption of a Local Plan (£221k). This is provided brief respite to the budget pressures, but it is not clear whether that grant payment will be repeated in 2025/26 or beyond. MHCLG recently hinted that additional support may be offered, dependent on the forthcoming Budget.
- 8.5. As noted, the Council has been awarded additional funding to deliver the Local Plan, and unless it is able to demonstrate progress towards a December 2026 submission, may be called upon to repay this to MHCLG.

9. Legal Implications

- 9.1. The Local Plan is governed by legal requirements, set out in various Planning Acts and secondary legislation. The Local Plan is being prepared under the Planning and Compulsory Purchase Act 2005 (as amended) and Local Planning Regulations 2012. The National Planning Policy Framework (NPPF) has legal force for Plan Making. In particular the Presumption in Favour of Sustainable Development at paragraph 11 (a-b) and the tests of Soundness at Paragraph 36 will be used to assess the Local Plan at Examination.
- 9.2. The Local Plan must be supported by other documents including a Sustainability Appraisal (SA), Habitats Regulations Assessment, Duty to Cooperate statements from neighbouring authorities and statutory consultees.

10. Engagement and Consultation

- 10.1. The Local Plan is subject to several stages of consultation, specified in the Local Planning Regulations 2012. The Local Plan will be supported by a Statement of Community Involvement setting out how consultation on the Local Plan has been achieved. There is a requirement for engagement with neighbouring authorities and consultants (especially Natural England, Historic England and the Environment Agency) under the Duty to Cooperate.

- 10.2. As set out in the main report, Cabinet approval is sought to consult on the draft document, prior to preparing a Publication Version (Regulation 19) version of the Plan.
- 10.3. Engagement will take place with residents and stakeholders, including statutory consultees from 28 November 2025 to 26 January 2026. This follows the previous Regulation 18 options consultations which took place from 10th Jan 2022 – 28th February 2022 and 28th October 2022 – 5th December 2022.

11. Procurement Implications

- 11.1. Local Plans need to be supported by an extensive evidence base, some of which has already been procured. The Planning Inspectorate indicates that evidence should have been prepared or updated within two years of submission. So a significant amount of the Plan's background evidence will need to be updated in 2026. The Local Plan also requires an online consultation platform capable of meeting Planning Inspectorate requirements for managing consultees. The Local Plan also requires a Policies Map which sets out proposals and designations, which is currently being procured.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1. The Presumption in Favour of Sustainable Development requires local plans to promote a sustainable pattern of development that seeks to meet the development needs of an area, align growth and infrastructure, improve the natural environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.
- 12.2. Whilst several policies in the Local Plan refer to climate change, Chapter 8 of the Local Plan sets out specific policies relating to climate change. The need for positive management of greenspaces and particularly the South Hams SAC is a key green infrastructure challenge of the Plan.
- 12.3. Meeting the full Standard Method Local Housing Need figure of 950 dwellings a year (plus 20%) would cause substantial damage to Torbay's natural and historic environment, and result in serious flood risks. The proposed growth rate of 400 dwellings a year is challenging and represents the figure that officers consider to be the most that can be achieved within environmental limits.
- 12.4. The Local Plan has a legal requirement to be accompanied by a Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Equality Impact Assessment (EqIA) . These Assessments help decision makers understand the potential consequences of allocations or policies within the plan and will also be available during the consultation period. The need to identify a Suitable Alternative Natural Greenspace (SANG) and positively manage the South Hams Special Area of Conservation (especially the calcareous grassland at Berry Head) is a critical green-infrastructure requirement of the Plan.

13. Associated Risks

- 13.1. Corporate Risk 49 identifies failure to have an up-to-date plan in place as a moderate risk. Delivery of the Local Plan also helps mitigates the following risks: SERS H05

(accommodation repurposing programme, H02 (the council's new build programme), CP48 (town centre regeneration projects), and SERSPM 01 (biodiversity net gain).

- 13.2. There are likely be public objections to some of the housing and other development allocations. This stage of consultation is an opportunity for people to “have their say” on a draft Local Plan proposal. It is not the Council saying “this is the right option”.
- 13.3. The risk of not updating the Local Plan is that the Government could directly take over Plan making, or commission private consultants to prepare a Plan. This is unlikely in the case of Torbay, as some other LPAs have made far less progress with Plan preparation. However, the Government has indicated that it “will not hesitate” to use its powers to take over plan making if need be. The housing minister has recently used his powers to direct councils to proceed with draft Plan consultations. A more likely outcome of refusing to update the Local Plan would be the withdrawal or non-renewal of regeneration and affordable housing funding.
- 13.4. Where a local planning authority does not have an up-to-date development plan, it is subject to the presumption in Favour of Sustainable Development. This leads to an increased likelihood of housing applications being approved at appeal.
- 13.5. The proposed timetable to reach Submission stage by December 2026 is very tight, and delays to the process will risk the Plan not being ready to submit by this date. However, the Government is pushing councils to get an up-to-date plan in place, and is demonstrating pragmatism to support them achieving this. Delaying the Plan to a “new style” Local Plan under the Levelling Up and Regeneration Act risks trying to develop a Plan in a less supportive environment.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	18 per cent of Torbay residents are under 18 years old. 55 per cent of Torbay residents are aged between 18 to 64 years old. 27 per cent of Torbay residents are aged 65 and older.	Boosting the supply of housing will benefit younger people who are increasingly unable to afford housing. Engaging with younger people in the Local Plan is a significant challenge.	Consultation will be focussed upon reaching as wide a demographic as possible. This includes: NHS staff news Torbay staff news Weekly One Torbay Newsletter Press release Social media campaign Three Engagement in person events (one in each three town). Agents Forum DRP Planning Newsflash	Spatial Planning: As part of the consultation process.
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	Boosting housing numbers will provide opportunities for adapted housing and specialist housing to help those with care needs and responsibilities.	NHS staff news Torbay staff news. The Local Plan seeks to maximise the provision of affordable housing and make best use of	Spatial Planning,

		Engagement with working age people, other than those raising a site-specific objection is often a challenge. A shortfall below need will put additional pressure on the housing stock, which may impact people with care needs or responsibilities.	urban regeneration sites to provide specialist housing. The Local Plan also promotes a minimum level of adapted and accessible homes (M4(2) and M4(3) and other community facilities.	
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	The Local Plan provides opportunities to provide improved facilities and accommodation for people with additional health needs.	Documents provided in accessible formats. The Local Plan seeks to maximise the provision of affordable housing and make best use of urban regeneration sites to provide specialist housing. The Local Plan also promotes a minimum level of adapted and accessible homes (M4(2) and M4(3) and other community facilities.	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact.	None required	NA

Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.		There is no differential impact in terms of consultation.	NA
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	Increasing housing supply is likely to help people start a family and get on with their lives.	See comments above about seeking as wide a range of responses as possible.	
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	The need to identify transit pitches for Gypsies and Travellers has been identified. The current Gypsy and traveller accommodation Needs Assessment (GTAA) needs to be updated as part of the Local Plan supporting evidence.	Consultation with the Devon Traveller Lead	
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is limited differential impact. The Local Plan contains policies for community facilities including religious spaces. The Local Plan identifies the need to provide additional cemetery spaces and associated ceremonial spaces and sets out an area of search for such facilities.	Engagement with faith groups.	

Sex	51.3% of Torbay's population are female and 48.7% are male	There is evidence that a shortage of affordable housing affects women disproportionately, although people of all genders will benefit from boosting housing supply.	There is no differential impact in terms of consultation.	
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact	Non required.	
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	Former service personnel have additional access to affordable housing – managed through Devon Homes Choice (rather than directly through planning).	Torbay is part of the Armed Forces Covenant Consult with armed forces lead (Will Harris). Former service personnel have additional access to affordable housing – managed through Devon Homes Choice.	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		The intended outcome of the Local Plan is to support economic growth and in particular the town centre regeneration visions and to improve provision of affordable housing and community facilities.	Seek to encourage responses from groups who would benefit from regeneration.	
Public Health impacts (Including impacts on the general health of the population of Torbay)		Providing decent housing has a significant impact on health. There are significant health differentials between the most and least affluent areas in Torbay. The Local plan requires the provision of public open space and opportunities for active travel.	Because Torbay is reaching its environmental limits development above 400 dpa would impact on the natural environment, which is a major source of people's wellbeing. Even 400 dwellings per year will	

			have significant challenges. The Local Plan needs to reach a trade-off between some level of environmental impact and meeting people's needs.	
Human Rights impacts		No direct differential impact.	See actions above in relation to specific groups with protected characteristics.	
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	The Local Plan provides an opportunity to seek to meet housing and economic needs. Maximising the provision of affordable housing one of the most significant ways in which child poverty can be reduced. The Local Plan contains policies seeking to provide affordable housing and to incorporate local training agreements into commercial development.	See consultation measures above. Contact with schools and Soth Devon College.	

- 14.1 The Local Plan will be supported by a more detail Equalities Impact assessment. But broadly speaking the more the Plan can do to boost the delivery of homes, particular affordable housing in sustainable locations, the greater its beneficial benefit on equalities matters will be.

15. Cumulative Council Impact

- 15.1. The Local Plan will affect areas of the Council's services operations that have a land use planning implication. This includes (but is not limited to) town centre regeneration, accommodation repurposing, housing, adult social services, highways and sustainable transport, climate emergency and environmental protection. The Local Plan has been drafted to support delivery of the Community and Corporate Plan objectives.

16. Cumulative Community Impacts

- 16.1. The Local Plan will affect everyone who is affected by land use planning decisions.
- 16.2. The Local Plan sets a framework for Neighbourhood Plans. Torbay has baywide coverage of neighbourhood plans and Torquay Neighbourhood Forum and Brixham Town Council are preparing updated neighbourhood plans. These will need to be in general conformity with the Local Plan's strategic policies. Neighbourhood plans gain additional weight (under paragraph 14 of the NPPF) where they contain policies and allocations to meet their identified housing requirement. This is usually set by the strategic policies in the local plan.

Appendix 1: Planning Inspectorate Local Plan Examination Checklist

This is a summary of the Planning Inspectorate's Checklist of requirements for Local Plans Prepared under the Planning and Compulsory Purchase Act 2004²

1. Practical arrangements for the examination

Programme officer: Appointment of as suitably experienced and qualified Programme Officer, appointed at least one year prior to examination.

Examination website: An examination website, that complies with PINS guidance³, operational shortly after the plan has been submitted for examination.

Venue for hearings: A suitable venue available for the examination hearings. A video conferencing platform such as Teams for virtual hearings.

LPA staff and resourcing: Sufficient staff and resources, including consultancy or specialist support, available for a period of at least one year.

2. Legal requirements

Local development scheme: Showing that the plan was prepared in accordance with the required timetable.

Public consultation Statement: Showing that plan preparation took place in accordance with the statement of community involvement.

The Duty to Cooperate: **Duty to Cooperate Statement** and signed **statements of common ground** with all other relevant LPAs and prescribed bodies demonstrating that it engaged constructively, actively and on an on-going basis in relation to strategic matters. Duty to Cooperate Statements identify:

- The strategic matters⁴ that needed to be addressed during the preparation of the plan?
- The LPAs and other prescribed bodies that were engaged with and how this took place.
- The main areas of agreement and any areas of disagreement.
- Any relevant LPAs or prescribed bodies with whom DTC statements have not yet been agreed and signed.

Sustainability appraisal and Non Technical Summary.

A Sustainability Assessment is required setting out how the Local Plan was informed throughout its preparation by a sustainability appraisal. The SA should set out and assess:

- The plan's objectives
- Its relationship with other plans
- Baseline environmental data
- A consistent methodology for assessing options.
- the likely significant effects on biodiversity, health, climate, heritage
- proposed mitigation measures.

² [Pre Examination checklist for full local plans.docx](#)

³ <https://www.gov.uk/guidance/local-plan-examination-webpages-advice-for-local-planning-authorities>
have a significant impact on a county matter [section 33A(4) of the 2004 Act].

- Reasonable alternatives, including spatial strategy and housing requirements, using consistent methodology. This should also include a “do nothing” scenario where the Plan is not implemented.

Habitat regulations assessment

A habitat regulations assessment of the Plan under the Habitats Regulations 2017 which considers the likely significant effects of all the development proposed in the Plan (in combination with other relevant plans and projects) on relevant habitat sites and species in the plan area and elsewhere⁵?

Climate change

A statement of how the plan includes policies designed to secure that the development and use of land in the planning authority’s area contributes to the mitigation of, and adaptation to, climate change.

Regulation 22 consultation statement

A consultation statement setting out:

- Statement of who was invited to make representations on the plan at Regulation 18 consultation stage, summary of representation and how they were taken into account.
- The number of representations made under Regulation 20 (i.e. consultation on the regulation 19 Publication Plan), and a summary of the main issues raised in those representations.
- A summary all of the main issues raised in representations made under Regulation 20 and the Council’s response.

Copy/ Database of Representations

All of representations made under Regulation 20 (Publication Plan consultation) should be formatted and referenced. These should be ordered alphabetically by representor name and posted on the Examination website in a downloadable format. (Note that ordering by subject is also necessary).

3. Plan content and evidence

Full suite of up-to-date evidence-based documents. PINs procedural guidance (1.19) is that assessment of need must have been undertaken or updated no more than two years before the submission date of the plan. Copies of all supporting documents should be provided for the examination.

Statement s of the Plan’s

- Strategic priorities for the development and use of land in the area. These should look forward at least 15 years from the proposed adoption date.
- What development plan policies will be superseded by the new plan.
- The plan period

Housing requirement

Does the plan include a minimum housing requirement figure that meets or exceeds local housing need calculated using the standard method in national planning practice guidance? If **NO**: A statement showing

⁵ Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

how the Presumption in Favour of Sustainable development tests have been applied and options taken to boost housing supply.

Housing land supply and trajectory

A housing trajectory showing a sufficient supply and mix of sites (to ensure that the minimum housing requirement can be met) comprising:

- a. Specific, deliverable sites for five years following the intended date of adoption⁶?
- b. Specific, developable sites or broad locations for growth for the subsequent years 6-10 and, where possible, for years 11-15 (following adoption)?

Up-to-date evidence to demonstrate that each site that makes up the land supply identified in the plan is “deliverable” and “developable”, along with a trajectory for completion.

Affordable housing

Up-to-date evidence on affordable housing need?

Gypsies and Travellers

Up-to-date evidence to establish the accommodation needs of gypsies and travellers and travelling showpeople.

Pitch targets for gypsies and travellers and plot targets for travelling show people including a 5-year supply of deliverable pitches and deliverable pitches/broad locations for years 6-10 and 11-15.

Economic development

Up-to-date evidence on the the need for additional floorspace for industrial and storage/distribution uses for 15 years post adoption.

Up-to-date evidence of the need for additional floorspace for office, retail, and leisure uses looking at least 10 years ahead. Statement of how the land identifies sufficient land to meet the identified need for additional employment, retail etc. needs.

Site selection methodology

Statement explaining how the allocations (for housing, economic development and other uses as relevant) were chosen and other potentially reasonable alternative sites not chosen.

Viability

Up to date viability assessment carried out in accordance with national planning practice guidance.

Flood risk

An up-to-date level 1 strategic flood risk assessment.

Where the plan allocates any sites for housing or economic development that are within areas at risk of flooding:

- An up to date **Level 2 flood risk assessment**.
- Up to date evidence that the sequential test has been applied.
- Up to date evidence that the exception test has been applied.

Transport

Up to date evidence assessing the individual and cumulative impacts of the development proposed in the plan on highway safety and the road network?

Infrastructure

Up-to-date evidence about the new or improved infrastructure required to facilitate the development proposed in the plan.

Biodiversity

Up-to-date assessing the impacts of the development proposed in the plan on biodiversity.

Landscape

Up-to-date, adequate evidence assessing the impacts of the development proposed in the plan on the landscape?

Historic environment

up-to-date evidence assessing the impacts of the development proposed in the plan on the historic environment.

Other soundness issues

Identification and assessment of any other soundness issues raised in representations made under regulation 20 that could potentially require a significant amount of work to address during the examination.